

Appl. No. 09/880,170
Amdt.PATENT**REMARKS/ARGUMENTS**

This Amendment is responsive to the Office Action mailed February 25, 2009.

Entry of this Amendment is requested.

Claims 1-2, 4-5, 7, 9, 11-20, 36, 39-41, and 43-48 are pending in the present application. In the Office Action, claims 1-2, 4-5, 7, 9, 11-20, 36, 39-41, 43, and 44 have been rejected. Claims 1 and 17 have been amended, and claims 46-48 have been added. Support for the amendments and newly added claims can be found throughout the application, including Figures 1, 4, and 5 and in pages 8-9 of the specification. No new matter has been added. Reconsideration of the rejected claims is respectfully requested.

I. 35 USC 101

Claims 1-2, 4-5, 7, 9, 11-20, 36, 39-41, 43, and 44 are rejected under 35 U.S.C. 101. The Examiner states that the claims are directed to non-statutory subject matter. To expedite the prosecution, claim 1 has been amended to recite "using a desktop including a display" and to perform steps "using the display." Support for using a desktop and display can be found throughout the application, including Figure 1 and page 9, lines 1-20 and page 27, lines 9-25. Since claim 1 and claims dependent thereon are clearly tied to a machine, withdrawal of the rejection under 35 U.S.C. 101 is requested.

New claims 46-48 have been added. Claim 48 recites "using a computer." Thus, Applicants respectfully assert that claims 46-48 are tied to a machine and satisfy all requirements of 35 U.S.C. 101.

II. 35 USC 103

Claims 1-2, 4-5, 7, 9, 11-20, 36, 39, and 43 are rejected as obvious over Corrin (US Patent Publication No. 2002/0035527) (hereinafter "Corrin") and Tracey Longo, "The First Cut is the Cheapest: Retirement distributions can come from many sources, IRAs, 401(k)s, and so on. Knowing where to start can prolong earnings growth." Financial Planning, New York: April 1, 1999, pg. 1) (hereinafter "Longo"). This rejection is respectfully traversed.

PATENT

Appl. No. 09/880,170
Amdt.

A. *The cited art does not teach or suggest providing a "current performance planning table"*

Obviousness has not been established, since Corrin and Longo do not teach or suggest every element of the claims. For example, independent claim 1 recites

providing, using a display, a current performance planning table, wherein said table allows for assessing approximate current yield and total return information in order to determine which holdings of said assets provide cash flow versus growth required to meet said in-retirement goals, and further wherein said current performance planning table includes information on each asset's annual income, 1-year and 5-year total returns, and current value

Independent claim 46 recites somewhat similar limitations.

Page 6 of the Office Action states that Corrin (at paragraphs [0081]-[0141]) discloses a current performance planning table "which includes various information". However, that section of Corrin teaches a Retirement Track Chart and Table that compare previous account balances and balances needed to meet requirement goals (See paragraph 0085 of Corrin). The chart and table appear to utilize and display total account value for different time points beginning with the first reported account value (See paragraph 0137 of Corrin). Nothing in the chart and table, however, disclose a table that allows for assessing approximate current yield and total return information to determine which holdings provide cash flow verses growth (See Fig. 7 of Application).

Pages 11-12 of the Office Action further state that in- retirement goals. Contrary to the applicant's assertion, Corrin discloses an expected return table, wherein the investor's expected long-term rates of return ranges of one-year returns for his current contribution and his existing account allocations are calculated respectively (see paras 0143-0144). Corrin further discloses that the expected return on each asset calculation uses the asset class numbers in the Asset

PATENT

Appl. No. 09/880,170
Amdt.

Allocation Data to choose the values from the Compound Return table that holds assumptions for long term rates of return for each asset class (see paras 0152). The limitation "wherein said table allows for assessing approximate current yield and total return information in order to determine which holdings of said assets provide cash flows versus growth required to meet said in- retirement goals, " is an intended use which carries no patentable weight.

While Applicants acknowledge that Corrin discloses an "Expected Returns table," it is respectfully asserted that this table does not teach or suggest the "current performance planning table" as recited in claim 1. "The Expected Returns table calculates the Expected Returns and Standard Deviations of the New Contribution and Existing Account Portfolios" (emphasis added). See paragraph [0144] of Corrin. Thus, the Expected Returns table of Corrin shows only returns summed for an entire portfolio. Further, the asset class numbers cited by the Office Action relate to *classes* of assets, not to individual assets themselves. As such, Corrin is silent regarding "*which* holdings of said assets" (emphasis added) as recited in claim 1.

Furthermore, the table of Corrin does not disclose information allowing for a determination of "cash flow versus growth" as recited in claim 1. Figure 7 of the present application shows an embodiment of a current performance planning table:

PATENTAppl. No. 09/880,170
Amdt.

501 Current Performance Planning Report

Prepared for: Susanne Sample
August 5, 2000

FIG. 7

Date as of August 4, 2000 except where noted below.

Security	Projected Annual Cash Flow	Approx. Current Yield	Average Annual Total Returns				Approx. Current Value	Divid. Re-Invest.
			As of latest quarter end (June 30, 2000)	1-Year	5-Year	10-Year		
American Gen. Pref.	\$5,005	6.4%	8.3%	8.5%	8.4%		\$78,000	N
Schwab Bond Fund	\$4,378	6.2%	6.0%	6.1%	--	5.9% (09-1993)	\$71,000	Y
Lehman Agg. Bond Index		5.0%	2.5%	7.2%	6.8%			
Treasury Bill	\$16,700	4.8%	5.4%	5.4%	5.4%		\$345,000	N
Lehman Municipal Bond Index		4.5%	0.5%	6.5%	7.1%			
IBM	\$880	1.8%	82.0%	28.7%	27.1%		\$37,150	N
SchwabOne Account	\$684	1.6%	1.7%	26.2%	30.0%		\$42,000	Y
Chevron	\$1,244	1.6%	11.0%	17.8%	14.2%		\$78,000	Y
SP 500 Index		1.3%	20.0%	26.0%	28.0%			
Citicorp	\$140	0.5%	41.0%	33.7%	35.0%		\$25,750	N
Ford Motors	\$165	0.2%	21.0%	23.0%	25.0%		\$75,000	Y

Your total projected annual cash flow may not entirely close the cash flow gap between your income goal and your non-fluctuating sources of cash flow. In this case you may need to rely on capital gains to meet any remaining cash flow gap. This table allows to you assess the approximate current yield and principle total return information in order to determine which holdings are providing you with cash flows versus growth required to meet your lifestyle goals in retirement.

The first two columns in Figure 7 show embodiments of “annual income” and “approximate current yield”. This allows a customer to “determine which holdings of said assets provide cash flow versus growth required to meet said in-retirement goals” as claimed. There is nothing in Corrin’s “Expected Returns table” regarding cash flow, thus the table cannot be used to “determine...cash flow” as claimed.

Page 12 of the Office Action states that such determination is “an intended use which carries no patentable weight.” In response, Applicants respectfully point out that claim 1 is a method claim. Thus, the claim limitations such as “determine which holdings of said assets provide cash flow versus growth required to meet said in-retirement goals” are entitled to patentable weight.

PATENT

Appl. No. 09/880,170
Amdt.

- B. *The cited art does not teach or suggest "wherein said current performance planning table includes information on each asset's annual income, 1-year and 5-year total returns, and current value"*

Furthermore, the cited art does not disclose the limitation of claim 1 "wherein said current performance planning table includes information on each asset's annual income, 1-year and 5-year total returns, and current value." Independent claim 46 recites somewhat similar limitations. Page 12 of the Office Action states that "Corrin table shows value of the account balances, returns and the expected returns (see paras 0144). The examiner contends that 1-yr and 5-year total returns are nothing but expected returns, which are explicitly taught by Corrin (see paras 0144)."

Applicants respectfully disagree. First, as stated above, Corrin does not provide information "on each asset" as claimed. Rather, Corrin groups assets by class. Second, Corrin is silent regarding "annual income" and "current value" for each asset. Third, while Corrin discloses "expected returns," this is not what is claimed. Expected returns are what is expected – that is, they relate to future, anticipated returns. Claim 1 recites "total returns" in a "current performance" report. The returns as claimed relate to *historical* returns, not *expected* returns. Furthermore, even if the claimed returns were expected returns, Applicants respectfully assert that the generalized information on "expected returns" is not the same as "1-year and 5-year total returns" as recited in claim 1. The one year and five year marks are specific time frames that are not taught or suggested by Corrin or Longo. Thus, for at least the above reasons, the independent claims are not taught or suggested by the prior art.

- C. *The cited art does not teach or suggest providing a findings overview report*

Corrin in view of Longo also does not teach or suggest the limitations of claim 1 including:

providing, using a display, a findings overview report based on said analysis, wherein the findings overview report includes the in-retirement goals, and the likelihood that the priority goal will be met if the in-retirement income stream withdrawal strategy is followed, wherein the likelihood is displayed as a percentage, and

PATENT

Appl. No. 09/880,170
Amdt.

the findings overview report further including an asset drawn down schedule which shows a predicted end of year account balance for each of the plurality of different types of customer accounts if the in-retirement income stream withdrawal strategy is followed

(emphasis added). Independent claim 44 recites somewhat similar limitations. It is respectfully submitted that the overview report which shows a predicted effect of following the specific in-retirement income stream withdrawal strategy on the different types of accounts, in combination with the other elements of the claims provides a very significant advantage to the customers. Aspects of an embodiment of a findings overview report are shown in Fig. 4 of the present application, and discussed at paragraphs 93-96 of the present application

Page 13 of the Office Action argues that Corrin discloses an "investment advisory report" that "is akin to applicant's claimed limitation of providing a findings overview report based on the analysis." Page 13 of the Office Action further states that the "advisory report...encompass the in-retirement goals and asset drawn down schedule." Applicants respectfully assert that both arguments of the Office Action are incorrect.

First, even assuming, *arguendo*, that the table of Corrin is "akin" to the claimed report, that does not render the report obvious. The findings overview report of claim 1 includes limitations not taught or suggested by Corrin and Longo, such as *in-retirement* goals and the likelihood of meeting certain goals. Neither Corrin nor Longo teach or suggest a report with such limitations. To further clarify over the prior art, claim 1 has been amended to recite that "the likelihood is displayed as a percentage." An embodiment of a likelihood displayed as a percentage can be seen in item 208 of Figure 4. Such percentage provides quick and meaningful information to a customer in creating an investment strategy, and is not taught or suggested by the prior art.

Second, Corrin paragraphs [0010-0011], as cited by the Office Action, disclose generalities, but not an "asset drawn down schedule" as recited in claim 1. An "asset drawn down schedule" can be a "bar chart [that] shows the amounts each of taxable (bottom) 209, tax deferred (middle) 210, and tax free (top) 211 withdrawals for the customer's end of year account balance 212 versus the customer's in-retirement age." See paragraph [0095] of the present application. Contrary to the assertion on page 13 of the Office Action, the advisory report of

Appl. No. 09/880,170
Amdt.

PATENT

Corrin does not teach or suggest "an asset drawn down schedule which shows a predicted end of year account balance for each of the plurality of different types of customer accounts" as claimed. The generalities disclosed by Corrin do not "encompass" the specific claim limitations of independent claim 1. Moreover, as described above, the specific limitations regarding the asset drawn down schedule can be used in forecasting and investment strategy. As such, it is not just "information/data which can easily be included in an investment advisory report of Corrin without altering/changing the system of Corrin" as claimed on page 13 of the Office Action. Corrin is drawn to a different investment strategy than the claimed method. Changing the "information/data" would change the strategy, and thus Corrin teaches away from such modifications. Thus, independent claim 1, and the dependents thereon, are allowable, at least for these reasons.

D. The cited art does not teach or suggest providing a summary of findings report

Independent claim 46 recites limitations that similarly are not taught or suggested by Corrin and Longo, for reasons including at least some of those set forth above with regard to claim 1, such that claim 46, and the claims that depend therefrom, also cannot be rendered obvious by these references. Furthermore, claim 46 recites "providing, using a computer, a summary of findings report, wherein the summary of findings report shows the likelihood for meeting the estate goal, a best case estate result, a worst case estate result, and an expected case estate result."

Appl. No. 09/880,170
Amdt.

PATENT

An embodiment of a summary of findings report can be seen in Figure 5 of the present application:

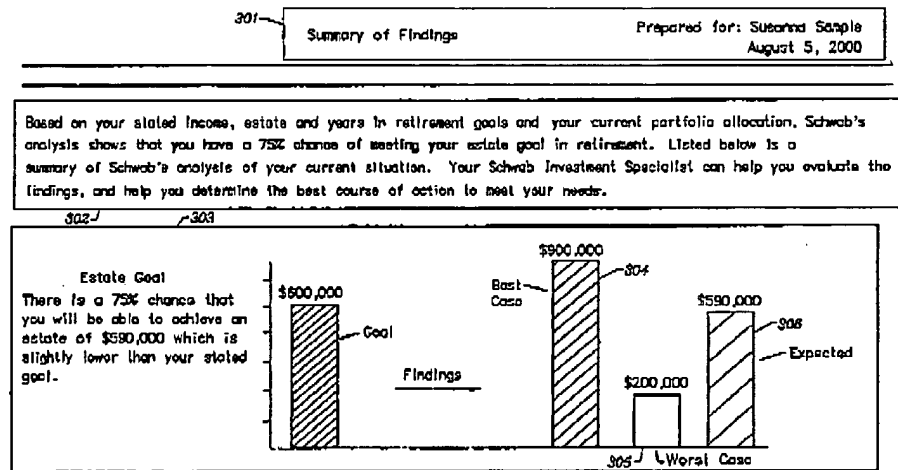


FIG. 5

The summary of findings report, as claimed, will allow the customer to accurately assess their investment strategy. Furthermore, Corrin and Longo do not teach or suggest a summary of findings report as recited in claim 46. Thus, Corrin and Longo do not render obvious independent claim 46 or the dependents thereon.

**RECEIVED
CENTRAL FAX CENTER**

JUN 23 2009

Appl. No. 09/880,170
Amdt.

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Adam J. Pyonin
Reg. No. 57,301

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
AJP:km
61869889 v3